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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,726	11/29/2001	Andrew William Hull	PN01002AA/10-34	1851
23400	7590	04/21/2004	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			LE, LANA N	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/995,726

Applicant(s)

HULL, ANDREW WILLIAM

Examiner

Lana Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 11-21 is/are allowed.
6) ☒ Claim(s) 1-10 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 02/09/04 have been fully considered but they are not persuasive.

Applicant's remarks state the cited reference, Palmer et al doesn't have the threshold value to attempt service acquisition. However, to clarify the measurement parameters that is made to determine if a device should rate shift or roam in the next transmission based on a failure to transmit or receive or before the next service acquisition is acquired; in col 5, lines 53-55 a threshold is used as a measurement decision criteria in conjunction with the configurable parameters to determine whether to rate shift or roam for the next transmission.

Therefore, the cited reference still reads on the broadest interpretation of the claimed invention and the rejection made 02/09/04 including the allowed claims 11-21 is maintained for the reason above and in the last previous office action listed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al (US 6,556,553) in view of Liu (US 5,825,759).

Regarding claim 1, Palmer et al discloses a method of controlling service acquisition in a wireless local area network (WLAN) device, the method including the steps of:

determining a parameter that corresponds to a present environment for the wireless device (col 3, lines 15-19; col 6, lines 20-27);

comparing the parameter to a predetermined value to provide a comparison (col 5, lines the predetermined value defining, in part, an environment where service for the WLAN device is desirable (col 6, lines 33-40; col 5, lines 53-54);

analyzing the comparison according to a rule (rate shift/roam criteria) to provide a decision (col 6, lines 41-53);

enabling a connection acquisition mode when the decision is favorable (col 4, lines 15-19; col 5, lines 60-63); and foregoing the connection acquisition mode when the decision is unfavorable (col 3, lines 17-19). Palmer et al didn't specifically disclose a service acquisition mode. Liu discloses enabling/foregoing a service acquisition mode based on the location of the WLAN device (col 6, lines 5-29; col 3, lines 23-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection acquisition with the service acquisition in order to allow the WLAN device to access network services provided within the WLAN network while being connected to the WLAN network.

Regarding claim 2, Palmer et al and Liu further discloses the method of claim 1 wherein Palmer further discloses the step of determining a parameter includes determining a location of the WLAN device (col 6, lines 47-48).

Regarding claim 3, Palmer et al further discloses the method of claim 2 wherein the determining the location uses one of a cellular zone ID, a global position system (GPS) signal, and a signal strength measurement (col 6, lines 47-48).

Regarding claim 4, Palmer and Liu discloses the method of claim 1 wherein Liu further discloses disclose the step of determining a parameter includes determining a time at the WLAN device (col 13, lines 43-50).

Regarding claim 8, Palmer et al and Liu further discloses the method of claim 1 wherein Palmer further discloses including a step of providing the predetermined value for the WLAN device (col 5, lines 53-54).

Regarding claim 9, Palmer et al further discloses the method of claim 8 wherein providing the predetermined value includes programming the WLAN device with one of a location, time, and state (col 5, lines 30-36).

Regarding claim 10, Palmer et al further discloses the method of claim 8 wherein providing the predetermined value includes memorizing one of a location, time, and state when service has been acquired (col 6, lines 11-19).

2. Claims 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al in view of Liu (US 5,825,759) and further in view of Jyogataki et al (US 6,192,251).

Regarding claim 5, Palmer et al and Liu further discloses the method of claim 1 wherein they fail to further disclose the step of determining a parameter includes determining a state relevant to the WLAN device (col 2, lines 15-57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine a parameter based on a certain state in order to set and characterize the comparison data with a predetermined threshold.

Regarding claim 7, Palmer et al and Liu discloses the method of claim 1 wherein Palmer et al discloses the step of determining a parameter includes determining a location (col 5, lines 47-48). Palmer didn't further disclose the step of determining a parameter includes determining a combination of location, time, and state for the device. Jyogataki further discloses the step of determining a parameter includes determining a combination of time and state for the WLAN device (col 5, lines 33-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine a parameter such as time, location, and state in order to define a condition to match a predetermined state with the current state.

2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al in view of Liu in view of Jyogataki et al as applied to claim 5 above, and further in view of Moore et al (US 6,434,381).

Regarding claim 6, Palmer et al, Liu and Jyogataki et al further discloses the method of claim 5 wherein they didn't further disclose the determining the state includes one of detecting a need for service and a reference to a schedule database. Moore et al further discloses the determining the state includes one of detecting a need for

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service and a reference to a schedule database (col 3, lines 32-48). It would have been obvious to one of ordinary skill in the art at the time the invention was made to detect a need for service and refer to a schedule database in order to determine if a particular service is desired and to access the mobile's memory to obtain the information needed from a stored menu category.

Allowable Subject Matter

3. The following is an examiner's statement of reasons for allowance:

Regarding independent claim 11, Palmer et al discloses a WLAN device arranged and constructed to control service acquisition comprising in combination: a user input output (I/O) interface for interacting with a user inherently in the wireless communication device 20; determining a parameter that corresponds to a present environment for the WLAN device (col 3, lines 15-19; col 6, lines 20-27); comparing the parameter to a predetermined value to provide a comparison, the predetermined value defining, in part, an environment where service for the WLAN device is desirable (col 6, lines 33-40); analyzing the comparison according to a rule to provide a decision (col 6, lines 41-53); enabling a connection acquisition mode when the decision is favorable (col 4, lines 15-19; col 5, lines 60-63); and foregoing the connection acquisition mode when the decision is unfavorable (col 3, lines 17-19). Palmer et al didn't specifically disclose a

service acquisition mode. Liu discloses enabling/foregoing a service acquisition mode based on the location of the WLAN device (col 6, lines 5-29; col 3, lines 23-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the connection acquisition with the service acquisition in order to allow the WLAN device to access network services provided within the WLAN network while being connected to the WLAN network.

However, Palmer et al and Liu didn't further disclose:

a transceiver for coupling to a second telecommunication device; and a controller, coupled to the user I/O and the transceiver, for deciding whether the transceiver will enter a service acquisition mode thereby coupling to the second telecommunication device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana Le whose telephone number is (703) 308-5836. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lana Le

April 18, 2204



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